

## REMARKS

In the Office Action dated October 15, 2004, claims 1-49 were rejected under 35 U.S.C. §102(e) as being unpatentable over Reitmeier et al. (U.S. PG Pub No 2002/0003881).

In response, Claims 1-21, 26-29, 33-34, 40-43 and 47-48 have been, without prejudice, cancelled. Further, Claims 22-24, 30-32, 35, 36-38, 44-46 and 49 have been amended. Claims 25 and 39 were previously presented; and Claims 50-68 have been added.

Accordingly, Claims 22-25, 30-32, 35, 36-39, 44-46 and 49-68 are pending.

All amendments are fully supported by the original disclosure, in particular, the disclosure in the first paragraph of page 8 of the specification. Thus, no new matter has been introduced.

Specifically, the amendments have been entered for independent claims 22, 30, 36 and 44 to require in substance

- at least two derivative data files of the digital sound file, both containing different contents of the digital sound file, be derivatively generated; and
- at least one of the derivative data files containing content of the digital sound file being delivered to a non-persistent storage of a rendering device, through either a removable storage or a data stream.

In contrast, under Reitmeier, the scrambled content is always persistently distributed to the rendering device; specifically, into local storage 155 of Fig. 1, and only index information is non-persistently distributed to the rendering device (to random access 165a of Fig. 1).

Accordingly, Reitmeier failed to anticipate each and every recited element of claim 1. Thus, for at least this reason, Claims 22, 30, 36 and 44 are patentable over Reitmeier.

Claims 23-25, 31-32, 35, 37-39, 45-46 and 49 depend on either claim 21, 30, 36 or 44, incorporating their limitations correspondingly. Therefore, for at least the same reasons, Claims 23-25, 31-32, 35, 37-39, 45-46 and 49 are patentable over Reitmeier.

New independent claims 52, 55, 60, and 64 contain in substance the same limitations of claims 22, 30, 36 and 44; accordingly, for at least the same reason, patentable over Reitmeier.

New claims 50-51, 53-54, 56-59, 61-63, and 65-68 depend on claims 44, 52, 55, 60, and 64, respectively, incorporating their limitations correspondingly. Accordingly, for at least the same reasons, claims 50-51, 53-54, 56-59, 61-63, and 65-68 are also patentable over Reitmeier.

### **CONCLUSION**

In light of the above amendments and remarks, Applicants submit Claims 22-25, 30-32, 35, 36-39, 44-46, 49, and 50-68 are in condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: 3/11/05



---

Al AuYeung  
Registration No. 35,432

Pacwest Center, Suites 1900  
1211 SW Fifth Avenue  
Portland, Oregon 97204  
Telephone: 503-796-2437